

2. Following a telephonic status conference, the Court entered a scheduling order on October 16, 2017. [Doc. 99].

3. After the scheduling order was entered, counsel for the Defendants requested from Plaintiffs' counsel, dates for depositions of various party witnesses and a non-party witness, and further sought an agreement about when the parties should exchange initial disclosures.

4. Counsel for the Plaintiffs responded "we have not had a Rule 26(f) conference yet, which is a condition precedent to discovery from any source." He thereafter has refused to cooperate in scheduling depositions or even to agree to a date to exchange initial disclosures.

5. Rule 26(f) conferences, if required, are required to occur at least 21 days before a scheduling conference is to be held or a scheduling order is due under Rule 16(b). Counsel for the Defendants understood that the process described in paragraphs 1 and 2 above included or subsumed any Rule 26(f) conference that may have been required in this case, if one was required, and that the entry of a scheduling order authorized the commencement of discovery, to occur before the deadline specified in the scheduling, without any other conditions precedent, or limitation.

6. Defendants accordingly request a status conference to resolve this disagreement about whether or when discovery can commence.

Respectfully submitted,

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CERTIFICATE OF CONFERENCE

I hereby certify that I notified Rob Hoffman and James Bookhout, counsel for PNC Bank, National Association and Columbia Housing SLP Corporation that this motion would be filed today and requested that they inform me whether they oppose it. Neither respond to the request.

/s/ Kenneth B. Chaiken
Kenneth B. Chaiken

CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was served on all counsel of record via the Court's electronic filing system on this 22nd day of November, 2017.

/s/ Kenneth B. Chaiken
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